

Notice of Allowability

Application No.

10/814,597

Examiner

Jeffrey Sharp

Applicant(s)

LEON ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/4/2006.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephanie Lawley on 13 December 2006.

The application has been amended as follows:

In claim 8, beginning of line 31, the word "the" before "immobilizing element" has been deleted, and replaced with the word --an--, such that it reads: [[the]] an immobilizing element extending radially from the shaft....

In claim 9, beginning of line 31, the word "the" before "immobilizing element" has been deleted, and replaced with the word --an--, such that it reads: [[the]] an immobilizing element extending radially from the shaft....

The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Higdon et al. US-6,004,065 and Leon WO 00/49299.

The examiner takes the position that these references, when taken alone or in combination, fail to disclose each and every limitation found in at least independent claims 1, 8, and 9. Moreover, the examiner believes a proper rejection under 35 U.S.C. 103(a) cannot be made without using impermissible hindsight reasoning.

In short, Leon suggests a female piece and male piece having most of the limitations found in claims 1, 8, and 9 -- including at least one component (614, 615) which projects from

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the head of the female piece head and engages with a notch in the periphery of the male piece head; however, Leon fails to suggest an "L-shaped" component having an "end in the form of a finger" as required by claim 1. Even when combined with Higdon et al., Higdon et al. does not show an L-shaped component having an end in the form of a finger. It would be improper to modify the Higdon et al. teaching reference to be L-shaped. The L-shape of the component serves to improve the disengagement with the notch in the head of the male piece, by acting as a cam surface and providing a user with more area and leverage to press the component.

While Leon (figure 21) suggests a male piece head (91a) having an immobilizing element (91) extending radially from the shaft (90) at a predetermined distance from the head (91a), said immobilizing element (91) comprising two lateral protuberances, the protuberances of the immobilizing element (91) taught by Leon do not have "peripheral cutouts" as required by claims 8 and 9. There would be no apparent reason to those of ordinary skill in the art, to employ cutouts on the protuberances of the immobilizing element (91) taught by Leon. The cutouts are beneficial only to the present invention, because they make way for the male piece to pass by the at least one component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

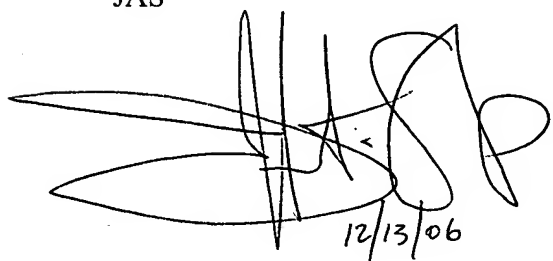
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached on 5:30 am - 4:00 pm Mon-Thurs..

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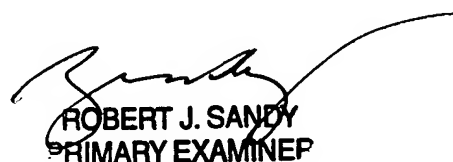
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS



12/13/06



ROBERT J. SANDY
PRIMARY EXAMINER